



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AES/DCP/DKK
F.#2014R00501

*271 Cadman Plaza East
Brooklyn, New York 11201*

April 20, 2018

By Hand and ECF

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Evan Greebel
Criminal Docket No. 15-637 (KAM)

Dear Judge Matsumoto:

The government respectfully submits this letter in response to the defendant's letter, filed yesterday, regarding his argument about "veil-piercing" and "alter ego" jury instructions. (See Dkt. No. 588 ("Def.'s Ltr.")).

As the government explained in its opposition to the defendant's Rule 33 motion, the jury instructions the Court gave were legally sound. There was no legal basis for the Court to instruct the jury about information the defendant claims to have been thinking about so that the defendant could then argue he was thinking about that information.

The defendant's letter does not identify any error committed by this Court, let alone establish a basis for granting the Rule 33 motion. First, the defendant concedes that his attorneys declined, for strategic reasons, to present evidence to this Court during the trial to support the request for "veil-piercing" and "alter ego" instructions, despite the Court's request that the defendant do so. (Def.'s Ltr. at 6.) Second, to the extent any jury instruction about "alter ego" or "veil piercing" could possibly have been appropriate, it would have been in response to evidence that the defendant was considering those legal doctrines. But the defendant points to no such evidence. Instead, he merely provides a list of evidence that, he argues, shows "commingling" of funds and the defendant's supposed awareness of that commingling. For

those reasons, and the reasons set forth in the government's opposition brief, the defendant's Rule 33 motion should be denied.

Respectfully submitted,

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